

PATENT
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REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed September 25, 2007. Claims 1-33 are pending, of which claims 5-9 and 15-20 are withdrawn from consideration, and claims 1-4, 10-14 and 21-33 are rejected.

By this response, Applicants have amended claims 10 and 25 and canceled claim 27.

In view of both the amendments presented above and the following discussion, Applicants believe that all of the claims are allowable. It is to be understood that, by amending the claims, Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response, including amendments.

REJECTION UNDER 35 U.S.C. §102

The Examiner rejected claims 1-4, 10-14 and 21-33 under 35 U.S.C. §102(b) as being anticipated by Radha et al. (6,806,909, hereinafter "Radha"). Applicants respectfully traverse the rejection.

Claim 27 has been canceled, and its rejection is therefore moot.

Anticipation requires the presence in a single prior art disclosure of each and every element of the claimed invention, arranged as in the claim. The Radha reference fails to disclose each and every element of the claimed invention, as arranged in independent claim 1.

For example, the Examiner cited Radha's col.15, line 42 - col.16, line 63, col. 18, line 51 - col.19, line 30, line 31-col.20, line 41 and col.21, lines 1-41 as teaching the features of "transitioning in an immediate and smooth manner to a second video stream having the same PID value; and serving the second video stream" (Office Action page 3).

Applicants respectfully disagree.

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Even though Radha teaches the seamless splicing of a first and second encoded data streams for a first and a second program, respectively, there is no teaching in the cited portions of Radha that the second video stream has the same PID value as that of the first video stream, as provided in Applicants' claim 1.

As such, claim 1 is not anticipated by Radha, and is patentable under 35 U.S.C. 102(b).

Independent claim 10 has been amended to further recite: "wherein the first video stream has associated with it a plurality of transition points each comprising a beginning of a stripe section of a storage drive in a storage array." The amended features are similar to those of dependent claims 25 and 27. Claim 25 has been amended to provide consistency with the amended claim 10.

Applicants submit that, contrary to what was stated on page 4 of the Office Action, the cited portions of Radha, namely, col.15, line 42 - col.16, line 63, col.18, line 51 - col.19, line 30, line 31-col.20, line 41 and col.21, lines 1-41, do not teach any transition points (referred to as splice-in or splice-out points in Radha) comprising a beginning of a stripe section of a storage device.

As such, Applicants submit that independent claim 10 is also not anticipated by Radha, and is allowable under 35 U.S.C. §102.

Dependent claims 2-4, 11-14 and 21-33 depend, directly or indirectly, from independent claims 1 and 10, and recite additional limitations thereof. As such, and for at least the same reasons discussed above, Applicants submit that these dependent claims also are not anticipated by Radha and are allowable under 35 U.S.C. §102.

Therefore, Applicants respectfully request that the rejection be withdrawn.

THE SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

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CONCLUSION

Applicants believe that all claims presently pending in this application are in condition for allowance. If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 12/18/07

EJ Wall
Eamon J. Wall, Attorney
Reg. No. 39,414
(732) 530-9404

Patterson & Sheridan, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702